

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

April 23, 2001 LB 377, 489

AM1370. (Legislative Journal page 1393.)

PRESIDENT MAURSTAD: Senator Bromm, you're recognized to open.

SENATOR BROMM: Thank you, Mr. President. I want to thank Senator Brashear for at least discussing with me the opportunity to offer this amendment. This is basically exactly LB 377, which came out of Transportation Committee...Telecommunications Committee with no dissenting votes this year as well as last year. And it removes a few words in Section 39-1345.05, dealing with the situation where the Department of Roads permits the public use of a highway that's under construction or repair. By the removal of these words, the party that is responsible for damages, if the department has permitted public use, the damages will either be the responsibility of the party causing the damage or the state. And the result would be no...no responsibility on the part of the contractor where the Department of Roads has permitted the public use of a highway, unless of course the contractor is negligent in some fashion in causing the damage or the accident to happen. It's not too complicated. As you know, many of the projects that occur now we try to continue traffic while the construction is underway. We used to have a lot more detours than we have now, and as a result of having less detours we have more situations that can occur where there's an accident and...and the state is in a position, hopefully, if it is the state's fault, for pursuing the party that caused the damage. So they're in a better position to do that than the contractor. With that, I'll be glad to answer any questions, but again this is LB 377 and we did not have any opposing testimony or dissenting votes. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Bromm. Debate on the Bromm amendment? Senator Bromm, you're recognized to close. Senator Bromm waives closing. The question is the adoption of AM1370 to LB 489. Those in favor vote aye; those opposed vote nay. Mr. Clerk, please record.

CLERK: 26 ayes, 0 nays, Mr. President, on the adoption of Senator Bromm's amendment.